IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 9242 of 2007(A)

PETITIONER:

M.P.ABDUL KHADER, PROPRIETOR,
M/S.THASNEEM INDUSTRIES, BUILDING NO.V/558,
EDATHALA NORTH, ALUVA, ERNAKULAM DISTRICT.

BY ADV. SMT.K.K.SHEEBA
SRI.G.SANTHOSH KUMAR (P).

RESPONDENTS:
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1. **THE SUPERINTENDENT OF POLICE,**
   ALUVA RURAL, ALUVA.

2. **CIRCLE INSPECTOR OF POLICE, ALUVA.**

3. **SUB INSPECTOR OF POLICE, ALUVA.**

4. **EDATHALA GRAMA PANCHAYAT,**
   REPRESENTED BY ITS SECRETARY.

5. **KERALA STATE POLLUTION CONTROL BOARD,**
   REPRESENTED BY THE DISTRICT SENIOR ENVIRONMENTAL
   ENGINEER, ERNAKULAM.

6. **A.K.SALEEM, ALANJIKAYI HOUSE,**
   EDATHALA NORTH, ALUVA, ERNAKULAM DISTRICT.

7. **SHAJIR, S/O.KOYA, KULANGARA,**
   EDATHALA NORTH, ALUVA.

8. **NISHAD K.KOYA, S/O.KOYA, KULANGARA,**
   EDATHALA NORTH, ALUVA.

9. **SAFFVAN, S/O.ABDUL RUB NISTHAR,**
   KANJIRATHINKAL HOUSE, EDATHALA NORTH,
   ALUVA.

...2/-

10. SUFFIYAN, S/O.ABDUL RUB NUSTHAR,
KANJIRATHINKAL, EDATHALA NORTH, ALUVA.

11. ABDUL MANAF, S/O.V.M.MOIDEEN,
VADAKKE THOLAKKARA, EDATHALA NORTH, ALUVA.

BY ADV. SRI.M.K.CHANDRA MOHANDAS
SRI.C.S.MANU
SRI.K.I.ABDUL RASHEED for R6 to R11
BY GOVERNMENT PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.9242/2007 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF RELEVANT PAGE OF THE PROVISIONAL REGISTRATION CERTIFICATE DATED 21/03/2003 ISSUED BY THE TALUK INDUSTRIES OFFICE, ALUVA.

EXT.P2: COPY OF THE LICENCE DATED 6/04/2006 ISSUED BY THE 4TH RESPONDENT.

EXT.P3: COPY OF NOTICE OF INSPECTION DATED 28/06/2006, ISSUED BY THE 5TH RESPONDENT.

EXT.P4: COPY OF "CONSENT TO OPERATE" CERTIFICATE DTD. 7/02/2007 ISSUED BY THE 5TH RESPONDENT.

EXT.P5: COPY OF THE COMPLAINT DATED 15/02/2007 SUBMITTED BY THE PETITIONER, BEFORE THE RESPONDENTS 1 TO 3.

6TH RESPONDENT'S EXHIBITS:

EXT.R6(A): COPY OF THE APPLICATION DATED 15/05/2001.

EXT.R6(B): COPY OF THE COMPLAINT DATED 16/03/2007.

/TRUE COPY/

KSS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 9242 OF 2007

Dated this the 29th day of March, 2007.

JUDGMENT

Koshy, J.

This is a petition for police protection for running cashew factory. It is the case of the petitioner that he has got all the required licences for starting the factory from the Panchayath, Pollution Control Board etc. But respondents 5 and 6 to 11 are obstructing the same. The allegation of the respondents 6 to 11 is that the running of the factory is causing pollution. If it is causing pollution to the water or air, they can approach the Pollution Control Board. So long as the petitioner has got the relevant licences and there is no prohibitory orders, police is bound to grant protection and police is directed to do so. However, police should see that the petitioner is having the required licences and he obeys the conditions of the licence and consent. If the actions of the petitioner is causing pollution, it is for the objector including third respondent to approach the statutory authorities or Court but cannot take law into their hands.

The Writ Petition is disposed accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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